



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,024	01/31/2002	Sang Woong Lee	PO246-1/US/PCT	4928

7590 01/26/2004
McGuire Woods LLP
Suite 1800
1750 Tysons Boulevard
McLean, VA 22102

EXAMINER

BALSIS, SHAY L

ART UNIT PAPER NUMBER

1744

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,024

Applicant(s)

LEE ET AL.

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 3,7,8 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities: Claim 18 states that the bottle is a nursing bottle, however the actual bottle is not positively claimed in claim 5. If applicant wants to claim the bottle then the applicant needs to positively recite the bottle in the independent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6, 9-13 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Berg (USPN 982566).

Berg teaches a brush for washing a bottle comprising at least two or more resilient support members (3, 4, 5), which is unfolded to fit the shape of the inner peripheral surface of a bottle. An inner side of a curved portion (5) of the resilient support member has a thinner wall than the other portions of the support member (see figure 1). There is a washing brush (11) attached to an outer surface of the curved portion and to a lower end portion (3) of the support member (col. 2, lines 55-63). A cap (15) is inserted into an opening portion of the bottle with the upper end of the support member adapted to be rotated. The support member is attached to a rotating member (1, 7) that is attached to the cap to permit rotation of the support member. The rotating member (1, 7) is attached to a second rotating member comprising a knob (not labeled

Art Unit: 1744

but best shown on figure 1 by reference number 21) arranged on an upper portion of the cap (col. 64-75). The lower portions of the support members are attached at an end portion (17, 19). Any bottle can be cleaned with Berg's invention. Using it to clean a nursing bottle or a carboy is considered to be intended use and holds no patentable weight, especially since the applicant does not definitively claim the bottle.

4. Claims 5, 6, 9-10, 13-15 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson (USPN 4317249).

Benson teaches a brush for washing a bottle comprising at least four resilient support members (22) that are arranged at an equal distance from each other. The curved portion conforms to the shape of an interior surface of the bottle when expanded. There is a washing brush (30) attached to the resilient member. There is a cap attached to an end portion of the resilient support member (not labeled but best shown on figure 3 as the element between reference numbers 24 and 10). The support member is attached to a rotating member (26) that is attached to the cap to permit rotation of the support member. The lower portions of the support members are attached at an end portion (27). Any bottle can be cleaned with Benson's invention. Using it to clean a nursing bottle or a coffee pot is considered to be intended use and holds no patentable weight, especially since applicant does not definitively claim the bottle.

5. Claims 5, 6, 9-10, 13 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Piron (USPN 2265192).

Piron teaches a brush for washing a bottle comprising at least two or more resilient support members (22) having a lower and a curved portion. The curved portion conforms to the shape of an interior surface of the bottle when expanded. There is a washing brush (28) attached

Art Unit: 1744

to the resilient member. There is a cap attached to an end portion of the resilient support member (17). The support member is attached to a rotating member (11) that is attached to the cap to permit rotation of the support member. The lower portions of the support members are attached at an end portion (not labeled). Any bottle can be cleaned with Piron's invention.

Using it to clean a nursing bottle or a jar is considered to be intended use and holds no patentable weight, especially since applicant does not definitively claim the bottle.

6. Claims 5, 6, 9-10, 13 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by McPherson (USPN 444710).

McPherson teaches a brush for washing a bottle comprising at least two or more resilient support members (M) having a lower and curved portion. The curved portion conforms to the shape of an interior surface of the bottle when expanded. There is a washing brush (L) attached to the resilient member (see figure 3). The lower portions of the support members are attached at an end portion (K). A cap (E) is attached to an end portion of the support member. The resilient support member is attached to a rotating member (P) attached to the cap that permits rotation of the support member. Any bottle can be cleaned with McPherson's invention. Using it to clean a nursing bottle or a cuspidor is considered to be intended use and holds no patentable weight, especially since applicant does not definitively claim the bottle.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1744

8. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (USPN 982566) in view of Kweon (USPN 6067684).

Berg teaches all the essential elements of the claimed invention however fails to teach that the washing brush comprises silicon. Kweon teaches a brush, wherein the bristles are made from silicon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use silicon as a material for the wash brush, because it prevents scratching while providing a high polishing power to effectively remove foreign substances and food. Additionally, it would have been obvious to use silicon as the material since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

9. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (USPN 4617249) in view of Kweon (USPN 6067684).

Benson teaches all the essential elements of the claimed invention however fails to teach that the washing brush comprises silicon. Kweon teaches a brush, wherein the bristles are made from silicon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use silicon as a material for the wash brush, because it prevents scratching while providing a high polishing power to effectively remove foreign substances and food. Additionally, it would have been obvious to use silicon as the material since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Art Unit: 1744

10. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piron (USPN 2265192) in view of Kweon (USPN 6067684).

Piron teaches all the essential elements of the claimed invention however fails to teach that the washing brush comprises silicon. Kweon teaches a brush, wherein the bristles are made from silicon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use silicon as a material for the wash brush, because it prevents scratching while providing a high polishing power to effectively remove foreign substances and food. Additionally, it would have been obvious to use silicon as the material since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

11. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McPherson (USPN 444710) in view of Kweon (USPN 6067684).

McPherson teaches all the essential elements of the claimed invention however fails to teach that the washing brush comprises silicon. Kweon teaches a brush, wherein the bristles are made from silicon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use silicon as a material for the wash brush, because it prevents scratching while providing a high polishing power to effectively remove foreign substances and food. Additionally, it would have been obvious to use silicon as the material since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Art Unit: 1744

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (USPN 4317249).

Benson teaches all the essential elements of the claimed invention however fails to teach that the resilient support member comprises silicon. Benson teaches that the support members are non-metallic and therefore it would have been obvious to one of ordinary skill in the art to use silicon in the resilient support member, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

13. Claims 3 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 3 and 7 both include the limitation that the washing brush has insertion bosses that correspond to holes on the resilient support member. Berg, Benson, Piron and McPherson fail to teach insertion bosses as the fastening means for attaching the brush to the support member, nor would have been obvious to combine references to achieve the claimed invention.

Applicant's Arguments

14. a. Berg teaches wood strips and wood is not resilient. The curved portion of Berg does not have a thinner width than other portions of the support member.

Art Unit: 1744

b. Batch teaches a scrub cap that is not a support member which can form to an inner periphery of the bottle. The curved portion of Batch does not have a thinner width than other portions of the support member.

c. Becker does not teach a resilient support member. The curved portion of Becker does not have a thinner width than other portions of the support member.

d. Myszkowski does not teach a resilient support member. The curved portion of Myszkowski does not have a thinner width than other portions of the support member.

e. Kweon teaches a toothbrush and it is non-analogous art and one would not have been motivated to combine such references.

Response to Arguments

15. a. Berg does teach wood strips however some types of wood are consider to be resilient. Boats are made of wood and the wood must be resilient in order to achieve the curvature needed. Additionally according to Britannica.com, ash trees yield wood that is stiff, strong and resilient.

As shown in figure 1 and even more so in figure 2, it is clear that the curved portion (5) has a much thinner width than any other portion (3, 4, 8).

b. Examiner is withdrawing Batch rejection regarding claims 1 and 2 based on applicant's amendment submitted 12/18/03. This withdrawal is based on the clarification of the limitation that "inner side of a curved portion of the resilient support member having a thinner width than other portions of the resilient support member." It is clear that Batch does not teach this limitation.

Art Unit: 1744

c. Examiner is withdrawing Becker rejection regarding claims 1 and 2 based on applicant's amendment submitted 12/18/03. This withdrawal is based on the clarification of the limitation that "inner side of a curved portion of the resilient support member having a thinner width than other portions of the resilient support member." It is clear that Becker does not teach this limitation.

d. Examiner is withdrawing Myszkowski rejection regarding claims 1-3 based on applicant's amendment submitted 12/18/03. This withdrawal is based on the clarification of the limitation that "inner side of a curved portion of the resilient support member having a thinner width than other portions of the resilient support member." It is clear that Myszkowski does not teach this limitation.

e. Kweon is not being used for the invention of the toothbrush but to show that silicon is an effective cleaning material. Additionally, both the toothbrush and bottle brush are analogous art because they both comprise bristles and they both are used for cleaning purposes.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 1744

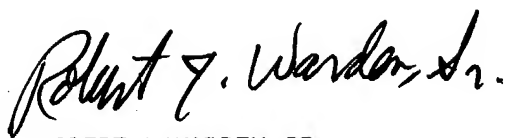
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Slb
1/9/04


ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700